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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARK PEARSON,

Petitioner,

-against-

**ORDER**

03-CV-2557

WILLIAM E. PHILLIPS, Superintendent,  
Respondent.

-----X  
DEARIE, District Judge.

In a Report and Recommendation, dated August 9, 2005, Magistrate Judge Lois Bloom recommends that this Court deny pro se petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner filed objections. The Court has considered the petition and the objections de novo. The Report and Recommendation is adopted without qualification.

As detailed in the Report and Recommendation, several of petitioner's claims are procedurally barred and lack merit in any case. Moreover, none of the state court decisions on the merits of the claims properly before this Court was contrary to or an unreasonable application of Federal law.

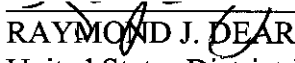
Accordingly, petitioner's application for a writ of habeas corpus is denied, and the petition is dismissed. Because petitioner has not "made a substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2), a certificate of appealability shall not issue. In addition, this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith. Coppedge v. United States, 369 U.S. 438 (1962). The Clerk of the Court is

directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York  
October 26, 2005

s/ Judge Raymond J. Dearie

  
RAYMOND J. DEARIE  
United States District Judge